

MILITARY SERVICE

Exchange of notes at Washington May 23 and June 12, 1945

Entered into force June 12, 1945

*Terminated March 31, 1947*¹

56 Stat. 1606; Executive Agreement Series 477

The Acting Secretary of State to the Peruvian Chargé d'Affaires ad interim

WASHINGTON

May 23, 1945

SIR:

I refer to conversations which have taken place between officers of the Peruvian Embassy and of the Department of State with respect to the application of the United States Selective Training and Service Act of 1940,² as amended, to Peruvian nationals residing in the United States.

As you are aware, the Act provides that with certain exceptions every male citizen of the United States and every other male person between the ages of eighteen and sixty-five residing in the United States shall register. The Act further provides that, with certain exceptions, registrants within specified age limits are liable for active military service in the United States armed forces.

This Government recognizes that from the standpoint of morale of the individuals concerned and the over-all military effort of the countries at war with the Axis Powers, it is desirable to permit certain nationals of cobelligerent countries who have registered or who may register under the Selective Training and Service Act of 1940, as amended, to enlist in the armed forces of their own country, should they desire to do so. It will be recalled that during the World War this Government signed conventions with certain associated powers on this subject. The United States Government believes, however, that under existing circumstances the same ends may now be accomplished through administrative action, thus obviating the delays incident to the signing and ratification of conventions.

¹ Upon termination of functions of U.S. Selective Service System (60 Stat. 341).

² 54 Stat. 885.

This Government has, therefore, initiated a procedure permitting aliens who have registered under the Selective Training and Service Act of 1940, as amended, who are nationals of certain cobelligerent countries and who have not declared their intention of becoming American citizens to elect to serve in the forces of their respective countries, in lieu of service in the armed forces of the United States, at any time prior to their induction into the armed forces of this country. This Government is also affording to such nationals, who may already be serving in the armed forces of the United States, an opportunity of electing to transfer to the armed forces of their own country. The details of the procedure are arranged directly between the War Department and the Selective Service System on the part of the United States Government and the appropriate authorities of the cobelligerent government concerned. It should be understood, however, that in all cases a person exercising an option under the procedure must actually be accepted by the military authorities of the country of his allegiance before his departure from the United States.

Before the above-mentioned procedure is made effective with respect to a cobelligerent country, this Department wishes to receive from the diplomatic representative in Washington of that country a note stating that his government desires to avail itself of the procedure and in so doing agrees that:

(a) No threat or compulsion of any nature will be exercised by his government to induce any person in the United States to enlist in the forces of his or any foreign government;

(b) Reciprocal treatment will be granted to American citizens by his government; that is, prior to induction in the armed forces of his government they will be granted the opportunity of electing to serve in the armed forces of the United States in substantially the same manner as outlined above. Furthermore, his government shall agree to inform all American citizens serving in its armed forces or former American citizens who may have lost their citizenship as a result of having taken an oath of allegiance on enlistment in such armed forces and who are now serving in those forces that they may transfer to the armed forces of the United States provided they desire to do so and provided they are acceptable to the armed forces of the United States. The arrangements for effecting such transfers are to be worked out by the appropriate representatives of the armed forces of the respective governments;

(c) No enlistments will be accepted in the United States by his government of American citizens subject to registration or of aliens of any nationality who have declared their intention of becoming American citizens and are subject to registration.

This Government is prepared to make the proposed regime effective immediately with respect to Peru upon the receipt from you of a note stating

that your Government desires to participate in it and agrees to the stipulations set forth in lettered paragraphs (a), (b), and (c) above.

Accept, Sir, the renewed assurances of my high consideration.

For the Acting Secretary of State:

JULIUS C. HOLMES

The Honorable

Señor Dr. EDUARDO GARLAND,

Minister Counselor,

Chargé d'Affaires ad interim of Peru.

The Peruvian Minister Counselor to the Acting Secretary of State

[TRANSLATION]

PERUVIAN EMBASSY
WASHINGTON, D.C.

JUNE 12, 1945

MR. SECRETARY:

I have the honor to inform Your Excellency that I have received instructions from my Government to accept the agreement of an administrative character which was proposed by Your Excellency in the note of the twenty-third instant [May] relative to the application to Peruvian citizens of the United States Selective Training and Service Act of 1940.

The Peruvian Government accepts, on a reciprocal basis, the option proposed in favor of Peruvian citizens registered under the said act or who are now serving under the United States flag to place themselves at the disposal of the appropriate Peruvian military authorities for the purposes of the provisions of their obligatory military service, as well as the guarantees stipulated in Paragraphs (a), (b), and (c) of the note under reference.

The Government of Peru is ready to put into force immediately the said agreement and to study the details of its application with the appropriate authorities of the Government of the United States.

On this opportunity I reiterate to Your Excellency the assurances of my highest consideration.

H. FÉRNÁNDEZ DÁVILA

His Excellency

JOSEPH C. GREW,

Acting Secretary of State,

Washington, D.C.